

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 01-272-C)

In re Application of:

Johnson et al.

Serial No.: 10/025,076

Filed: December 18, 2001

For: Shaft Locking Device for Bearing Assemblies

Art Unit: 3682

Examiner: Footland, L.

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120  
FOR THE BENEFIT OF PRIOR-FILED APPLICATIONS**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

SEP 16 2003

OFFICE OF PETITIONS

Dear Sir:

Pursuant to 37 C.F.R. § 1.78(a)(3), Applicants respectfully petition for acceptance of an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed applications in the above-mentioned patent application.

Applicants' representative by his signature below attests to the fact that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional, and that this Petition is made without undue delay. Enclosed with this petition are: (1) a Request for Continued Examination (RCE) Transmittal; and (2) a petition fee as set forth in section 1.17(t), \$1,300.00.

The reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2) to the prior-filed applications was previously submitted on page 2 of the Response to Office Action filed on

09/15/2003 AUCNDRAF1 00000004 10025076

02 FC:1454

1300.00 DP

- 1 -

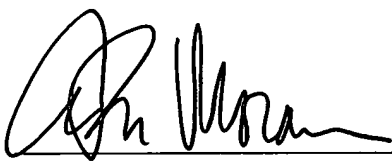
February 6, 2003, and is attached hereto as Attachment A for the Examiner's convenience. In this reference, Applicants have clearly stated that the present application is a division of application No. 09/805,804, filed March 13, 2001, now U.S. Patent No. 6,336,748, which is a division of application No. 09/235,691, filed on January 22, 1999, now U.S. Patent No. 6,200,039, which is a division of application No. 798,284, filed on February 7, 1997, now U.S. Patent No. 5,863,137.

Further, Applicants are also filing a reissue application to correct the claim for priority in the prior filed application No. 09/805,804, filed March 13, 2001, now U.S. Patent No. 6,336,748. Under MPEP § 1402, Applicants' failure to make reference to or incorrect reference to prior copending applications is grounds for filing a reissue application. Thus, Applicants' failure in U.S. Patent No. 6,336,748 to make reference to or correctly reference application No. 798,284 is a proper basis for filing a reissue application. Upon filing, Applicants will forward a copy of the reissue application to the Examiner.

Should the Examiner believe that a discussion of this matter would be useful, he is invited to contact the undersigned directly.

Respectfully submitted,

Dated: 9/11/2003

By:   
Eric R. Moran  
Reg. No. 50,967

McDONNELL BOEHNEN,  
HULBERT & BERGHOFF  
300 South Wacker Drive  
32<sup>nd</sup> Floor  
Chicago, Illinois 60606  
(312) 913-0001

**RECEIVED**  
SEP 16 2003  
OFFICE OF PETITIONS



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 01-272-C)

In the Application of:

Johnson et al.

Serial No. 10/025,076

Filing Date: December 18, 2001

For: Shaft Locking Device for  
Bearing Assemblies

Before the Examiner:

L. Footland

Group Art Unit: 3682

TRANSMITTAL LETTER

In regard to the above-identified patent application:

1. We are transmitting herewith the attached:
  - a. Response to Office Action dated 12-5-03
  - b. Postcard

2. With respect to additional fees:

No additional fee is required.

3. Please charge any additional fees or credit over-payments to the Deposit Account No.13-2490.

4. x CERTIFICATE UNDER 37 CFR 1.10 (EXPRESS MAIL): The undersigned hereby certifies that this Transmittal Letter and this paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 6th day of February 2003.

Dated: February 6, 2003

By: 

Christopher M. Cavan  
Registration No. 36,475

RECEIVED

SEP 16 2003

OFFICE OF PETITIONS